

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00013-MR-WCM**

MICHELLE LAUGHTER,

Plaintiff,

vs.

DYLAN SIMS,

RICHARD M. MADDEN,

RICHARD M. MADDEN II, and

MADDEN'S ACE HARDWARE,

Defendants.

ORDER

THIS MATTER is before the Court on Defendants Richard Madden and Richard Madden II's Motion to Dismiss Plaintiff's Complaint [Doc. 11]; the parties' Stipulation of Dismissal with Prejudice [Doc. 16]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 17] regarding the disposition of the Motion and Stipulation.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' Motion to Dismiss and the parties Stipulation and submit a recommendation for their disposition.

On April 19, 2021, the Magistrate Judge filed a Memorandum and Recommendation, recommending that the parties' Stipulation of Dismissal [Doc. 16] be accepted, that Plaintiff's claims against Madden and Madden II be dismissed with prejudice, that Madden and Madden II's Motion to Dismiss [Doc. 11] be denied as moot, and that the Plaintiff be directed to confirm that service has been made on Defendant Sims or show good cause for the Plaintiff's failure to effect service on Sims to avoid dismissal of her claims against Sims without prejudice. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has now expired, and no written objections to the Memorandum and Recommendation have been filed.

After careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendations.

IT IS THEREFORE, ORDERED that:

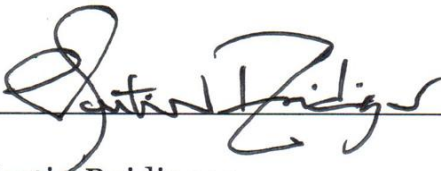
- (1) The Memorandum and Recommendation [Doc. 17] is **ACCEPTED**;
- (2) The parties' Stipulation of Dismissal [Doc. 16] is **ACCEPTED**;

(3) The Plaintiff's claims against Madden and Madden II are **DISMISSED WITH PREJUDICE**;

(4) The Motion to Dismiss [Doc. 11] the Plaintiff's claims against Defendants Madden and Madden II is **DENIED AS MOOT**; and

(5) The Plaintiff is **DIRECTED**, within fourteen (14) days of the entry of this order, either 1) to confirm that service has been made on Defendant Sims, explaining the particulars and timing of that service, or 2) in the absence of service, to show good cause for her failure to effect service on Sims, to avoid dismissal of her claims against Sims without prejudice.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

